



Ohio Special
Education
Profile

2011



January 2011



Mission

The mission of the Ohio Coalition for the Education of Children with Disabilities is to endorse and promote efforts to provide appropriate quality education for children and youth with disabilities. We do so in the belief that all children have a right to a meaningful and relevant education. This belief affirms the dignity of each child or youth with disabilities, whose needs are unique and whose needs must be met equally and appropriately.

OCECD is dedicated to ensuring that every child with disabilities is provided a free, appropriate public education. We will continually strive to improve the quality of our services for all children and youth with disabilities in Ohio.

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Dear Ohio Special Education Stakeholders,

Welcome to the Ohio Coalition for the Education of Children with Disabilities' (OCECD) *2010-2011 Ohio Special Education Profile*.

This report provides a brief, but substantive, profile of the special needs student population in Ohio, including academic performance and graduation trends and an overview of special education funding and related policy issues. The report's central message is that investments in students with special educational needs produce substantial results for the students, their families and the broader society. These investments empower students to help themselves to advance educationally and vocationally and, in the vast majority of cases, to become self-sufficient citizens.

In the 2009-2010 school year, students with disabilities accounted for 14.67% or 263,396 of the 1.8 million public school students in the state of Ohio. This means that roughly 1 in every 7 students has a documented disability requiring intervention and related support services to ensure they receive a free and appropriate public education in the least restrictive environment as required under federal and state laws. Implementation of these requirements includes the creation of Individual Education Plans, which by federal and state law must be fully funded.

As a state-level parent and professional organization, OCECD is deeply committed to working with the Ohio legislature, the Office of the Governor, and state agencies, as well as local school districts, on special education policy and program issues.

OCECD will continue to work hard to ensure that all Ohio children with special needs receive a free and appropriate public education in an environment that enables them to reach their highest potential. OCECD will also work to improve program effectiveness to get the best educational outcomes for students and thereby get the best return for Ohio's investment in special education.

Together, we can continue to make a major difference for every student with disabilities.

Sincerely,

Executive Director

2011 Ohio Special Education Profile



This briefing document provides a clear profile of the complex story of special education in Ohio. It is designed to serve as an informational resource for policy makers, parents, professionals and the broader statewide community.

What is the Ohio Coalition for the Education of Children with Disabilities?

Established in 1972, The Ohio Coalition for the Education of Children with Disabilities (OCECD) is a statewide, nonprofit organization headquartered in Marion, Ohio. Composed of over 40 parent and professional organizations, it provides special education related training, education, and public policy support services for parents, professionals and other special education stakeholders, including the general public and its elected officials. The Coalition's focus includes all children with disabilities birth through age 26.

What Is Special Education?

Special education is governed by federal law and corresponding state laws. Under the federal Individuals with Disabilities Education Act (IDEA), special education is defined as:

Specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability.

Based on evaluation driven Individualized Education Plans (IEPs), special education provides necessary supplemental education and related support services, such as occupational and physical therapy, for every student with special educational needs. IEPs thus serve as the foundation, both educationally and legally, for special education services.

What is the Ohio Special Education Student Profile?

Ohio's over 263,000 public school students with disabilities represent about 1 in 7 of the entire 1.8 million public school student population. As such, special education funding and policy issues are an integral part of the education policy picture in Ohio. From a national perspective, Ohio ranks 16th (2008-2009) in terms of the percentage of students with IEPs.

There are six clusters of disabilities (funding weights) under Ohio law. The majority of students, represented in these weights are of normal intelligence as measured by standardized assessments, and graduate from high school with their "typical" regular education peers. Many students with disabilities advance to post secondary education, though the need for additional progress on this front is significant.

Federal Special Education Laws: Why Do They Matter?

In the U.S., the central special education governing law is the Individuals with Disabilities Education Act (IDEA). Special education programs in the United States were made mandatory in 1975 when the United States Congress passed the Education for All Handicapped Children Act (EHA) in response to discriminatory treatment by public educational agencies against students with disabilities. The EHA was later modified to strengthen protections to people with disabilities and renamed the Individuals with Disabilities Education Act (IDEA). It requires states to provide special education consistent with federal standards as a condition of receiving federal funds.

Under IDEA, students with disabilities are entitled to receive special educational services through their local school district from age 3 through age 21.

All students with special needs are assessed and then receive an IEP that outlines how the school will meet the student's individual educational needs. IDEA requires that IEPs are *fully* funded and that students with special needs be provided with a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) that is appropriate to the student's needs.

State Special Education Laws: Why Do They Matter?

Chapter 3323 of the Ohio Revised Code is the chapter of state statute that defines and governs the provision of services to students with disabilities in Ohio and mirrors the requirements put forth under IDEA.

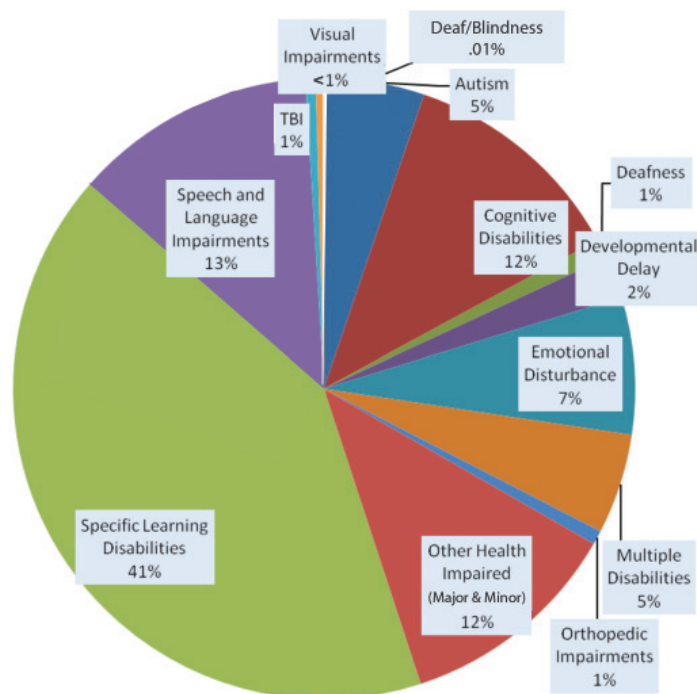
Under Ohio law, a "child with a disability" means a child who is at least three years of age and less than twenty-two years of age; who has an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, a traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities; and who, by reason thereof, needs special education and related services.

A "child with a disability" also may include a child who is at least three years of age and less than six years of age who is experiencing developmental delays, as defined by standards adopted by the state board of education and as measured by appropriate diagnostic instruments and procedures in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and who, by reason thereof, needs special education and related services.

IDEA requires each State to provide the following:

- **Full Educational Opportunity Goal** - The State must have on record with the U.S. Secretary of Education detailed policies and procedures to provide a full educational opportunity to all children with disabilities, from birth through 21 years of age.
- **Child Find** - The State must have in effect policies and procedures to ensure that all children with disabilities, including children attending private schools, who are in need of special education and related services, are identified, located, and evaluated.

13 Disability Categories in Ohio



Source: Ohio Department of Education

- **Least Restrictive Environment** - States shall have policies and procedures to ensure that each public agency, to the maximum extent appropriate, educates children with disabilities, including children in public or private institutions or other care facilities, with children who are nondisabled in the regular education environment.
- **Continuum of Alternative Placements** - Each public agency shall ensure a continuum of alternative placements to meet the needs of children with disabilities for special education and related services including alternative placements such as instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. Supplementary services provided in conjunction with regular class placement must also be available to children with disabilities.

Additionally, IDEA requires that States use state funds to support special education and related services for children and families with children with disabilities, as a part of qualifying for annual federal funds under Part B of IDEA. This level of state support must, at a minimum, remain constant year to year. This is known as Maintenance of Effort (MOE).

IDEA provides that States must not reduce their level of state financial support for special education and related services for children with disabilities below the amount of that support from the preceding fiscal year. If a State fails to meet the requirement, the U.S. Secretary of Education will reduce the allocation of funds to the State for any fiscal year following the fiscal year in which the State failed to meet MOE.

Under limited circumstances, the Secretary is provided waiver authority (for one fiscal year at a time) for what are deemed to be exceptional or uncontrollable circumstances. However, if the department grants a waiver of MOE, the amount of financial support required of the state in future years is the same amount that would have been required in the absence of the waiver.

According to preliminary Ohio Department of Education estimates based on FY 2011 appropriation levels, the state's MOE target in FY 2012 is approximately \$759.1 million.

Special Education Funding in Ohio: How Does It Work?

Since 1913, Ohio school districts have had the responsibility of operating special education programs. Starting in 1945, Ohio's system of funding special education was based on instructional unit funding. Ohio's unit funding based system, which focused primarily on funding a classroom teacher and related instructional expenses, remained unchanged for over 50 years.

In 1996, Ohio changed its separate special education unit funding model to a more integrated approach that provided students with special education needs the same (local wealth equalized) per pupil state foundation funding as regular education students received; however, students with special needs were then provided a system of three weights, or multipliers of the per pupil funding, that provided additional, supplemental funding based on the severity of disability. In 2000, these weights were updated to a six weight, cost-based system that gained favorable national recognition. Unfortunately, this cost-based system was never fully funded or updated to reflect escalating costs. As of 2009, the weights were funded at 90 percent of their original, 2001 cost estimates.

In 2009, Ohio instituted a new school funding



system known as the Ohio evidence based model (OEBM) that is heavily input reliant. The special education component of the model amounts to an updated version of the previous per pupil weighted formula applied to a brand new school funding model that does not include a per pupil funding element. Matters are made more complicated by the fact that, due to significant state funding constraints, the entire OEBM school funding formula, which will cost the state over \$3 billion in additional funding annually when fully funded, was then overridden so that school funding could be limited to a cost-of-living adjustment in FY 2010-2011. Additionally, Governor John Kasich has stated that he opposes the OEBM formula.

In FY 2010, in addition to general state school aid received by all students, the state funded special education weighted funding at \$522.1 million, up from \$496.5 in FY 2009 (+5.16%). Of the FY 2010 amount, \$34.4 million or 6.6% is one-time federal State Fiscal Stabilization Funding (SFSF). In FY 2011, the weighted formula is funded at approximately \$558 million (+6.88%).

Additionally, there are separate federal funds that support special education – both regular federal IDEA allocations and one-time stimulus funding increases under the American Recovery and Reinvestment Act (ARRA).

What is *Doe v. State of Ohio* and What Is Its Impact on Special Education in Ohio?

Doe v. State of Ohio is a case before the U.S. District Court for the Southern District of Ohio, Eastern Division, that seeks to ensure proper monitoring and enforcement of IDEA by the Ohio Department of Education, and the appropriate and adequate funding of special education services in Ohio schools.

In February of 1994, a student with disabilities – John Doe, his parents, and the Ohio Legal Rights Service (OLRS) – filed a class action complaint alleging violations of the IDEA, § 504 of the Rehabilitation Act of 1973, Title II of the ADA, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the United States Constitution. They asked the federal district court to declare illegal Ohio's system of funding and providing services to students with disabilities and to order Defendants to provide a new system for funding special education services. In February of 1996, the Court certified the case as a class action, allowing John Doe to represent a class of students with disabilities in the State of Ohio.

On October 21, 2009, Federal Judge John D. Holschuh ruled that a consent order that settled the non-funding portions of the case was fair, reasonable and adequate. The settlement brought Ohio into line with federal regulations regarding the Ohio Department of Education's (ODE) monitoring of school district special education programs. The consent order included a number of procedural safeguards resulting in transparent processes, increased notices to parents and more timely complaint decisions.

On June 1, 2010, OLRS filed an amended complaint, arguing that current state funding for students with disabilities in Ohio remains inadequate and illegal. Plaintiffs continue to pursue full funding for special education services in Ohio to remedy the State's failure to comply with federal laws and the dictates of the Ohio Supreme Court's decisions in the DeRolph state school funding litigation.

Special Education Student Enrollment: What Is The Bottom Line?

While the U.S. school age population grew through the 1990s, the number of students with disabilities grew almost three times faster than the overall student population. The reasons for this population increase are debatable, but include better assessment and outreach efforts. Not surprisingly, a disproportionate increase of students identified with disabilities has been a significant factor in the increasing demand for special education teachers.

In the 2009-2010 school year, Ohio's students with disabilities accounted for 14.67% or 263,396 of the student population. This is up from 14.3% in 2005. The largest percentage increases were seen in preschool special education, autism and students with other health handicapping conditions. The table below outlines this trend data in greater detail. In part, enrollment trends are reflective of enhanced student assessments.

Special education student enrollment table

	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	Difference +/-
No Disability	1,518,852	1,504,807	1,496,359	1,487,307	1,532,372	13,520
Multiple Disabilities (other than Deaf/Blind)	11,895	11,945	12,512	13,742	13,579	1,684
Deaf/Blind	32	41	37	39	45	13
Deafness (Hearing Impairment)	2,528	2,438	2,425	2,270	2,293	(235)
Visual Impairments	1,066	1,060	1,054	1,000	967	(99)
Speech and Language Impairments	31,876	30,132	29,468	31,769	30,339	(1,537)
Orthopedic Impairments	2,270	1,875	1,842	1,812	1,761	(509)
Emotional Disturbance (SBH)	19,153	19,540	19,535	18,237	17,029	(2,124)
Cognitive Disabilities	41,807	38,551	35,394	31,924	29,029	(12,776)
Specific Learning Disabilities	104,582	107,072	108,497	102,469	102,129	(2,453)
Preschool child with disability	9,387	4,243	6,438	23,209	23,336	13,949
Autism	7,734	9,127	10,648	11,299	13,441	5,707
Tramatic Brian Injury (TBI)	952	1,082	1,148	1,166	1,274	312
Other Health Impaired – Major	695	705	873			(695)
Other Health Impaired – Minor	20,090	22,971	25,181	25,954	28,172	8,082
TOTAL STUDENTS W/DISABILITIES	254,077	250,782	255,152	264,878	263,396	9,319
TOTAL STUDENTS	1,772,929	1,755,589	1,751,511	1,752,185	1,795,768	22,839
% OF TOTAL POP.	14.33%	14.28%	14.57%	15.12%	14.67%	

Source: Ohio Department of Education

What Academic Progress are Students with Disabilities Making?

According to the recent state report card data Ohio released in August 2010, students with disabilities continue to make significant progress. Children with disabilities made gains in each of the five categories in the 12th grade. Double digit percentage increases were also seen in 11th grade science, social studies and writing and in 3rd grade reading, 6th grade math, and 7th grade reading.

Yet, there is room for growth. Proficiency rates also declined in double-digit percentages in the following areas: 4th grade math and reading, 5th grade science, and 10th grade reading, writing and math, which indicates a higher percentage of students with disabilities are not passing the Ohio Graduation Test in the 10th grade on their first attempt.



Nevertheless, students with disabilities have seen increases in 14 of 27 tested areas since last school year and 12 out of 27 over the past five years. Overall, as the accompanying chart indicates, although there are slight dips in proficiency of all students in math, a long term look shows improvement.

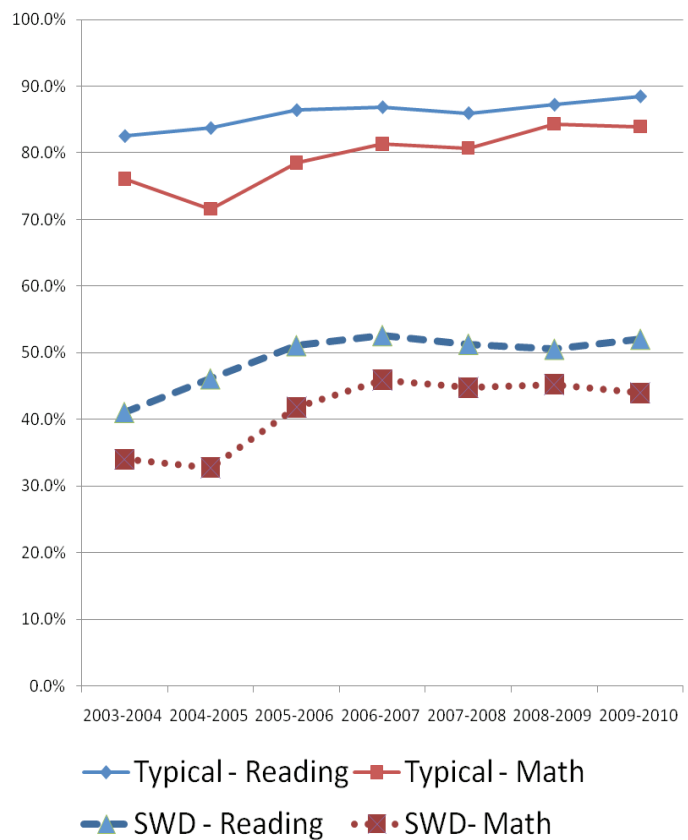
Despite overall improvement, in the past year, the gap between performance of typical students and those with disabilities increased in math.

What Are Ohio's Special Education Student Graduation Trends?

Students with disabilities also have seen an increase in graduation rates over the past decade. Below are the past ten year graduation rates comparing the General Education v. Special Education student populations.

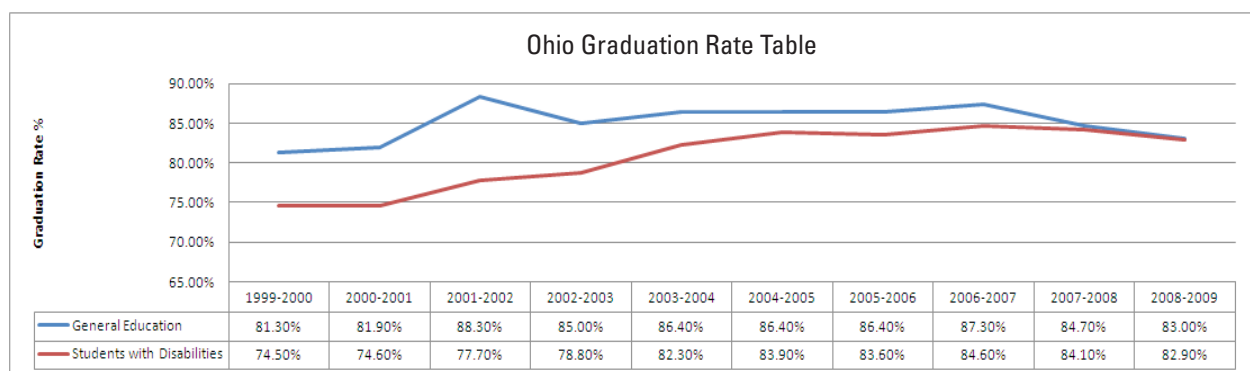
Over the past decade, special education graduation rates have increased steadily. Meanwhile, the general education graduation rates remained relatively stable before decreasing each of the past three years. As a result, the gap between general education and special education graduation rates has narrowed, though the reasons for this change are obviously not all positive.

Special education student achievement chart



Source: Ohio Department of Education

Ohio Graduation Rate Table



In the 1999-2000 school year there was a 6.8% graduation gap. The gap grew to 10.6% in the 2001-2002 school year before a steady decline. In 2008-2009, the last year for which data was available, the gap had shrunk to 0.10%.

Special Education Teachers and Related Services Personnel: Does Ohio Have A Shortage of Qualified Personnel?

Of the nation's school districts, 98% report special education teacher shortages, and special education is the area with the greatest teacher shortage in the 200 largest U. S. cities. According to a 2000 American Association for Employment in Education (AAEE) report, five areas of special education (emotional/behavioral disorder, multi-categorical disability, severe/profound disability, learning disability, mild/moderate disability) rank as the teaching fields with the greatest national shortages. All other areas of special education rank in the top 15 shortage areas nationally, including intellectual disability, visually impaired, hearing impaired, dual certificate in special education and general education, and early childhood special education. According to USDOE data, throughout the 1990s, more than 30,000 special education positions in the U. S. annually were filled by uncertified personnel. In 2000-2001, 11.4% of all teachers in special education positions lacked appropriate special education certification. This was a 23% increase in uncertified teachers from 1999-2000 – the largest ever reported by USDOE. Projections show the situation worsening. The Bureau of Labor Statistics projected that between 1998 and 2008 over 135,000 special education teachers would be needed.

A study by the Ohio Collaborative, a joint project between the state of Ohio and the Ohio State University, found the supply of teachers more than meets the demand in the state, but these numbers mask a problem of not having enough teachers for specific regions, grade levels and in specific fields; special education, in particular, is an area of growing need. The Ohio Collaborative study showed that the state was short 312 special education teachers and 38 English as second language teachers, among other shortages. This reality is substantiated by the U.S. Department of Education, which indicated that these were two of Ohio's largest teacher shortage areas.

As for "related services," they are supportive services that are required to assist a child with disabilities benefit from special education. In Ohio, these services are defined in Ohio Administrative Code (OAC) section 3301-51-01(B)(52). Under Ohio law, "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training. As with special education teachers, many of the professionals needed to provide related services are in short supply. Speech-language pathologists are a leading example of this market supply problem.

Special Education Teacher Shortage Variability: What Is The Story?

Teacher Case Loads. Teacher caseloads, which have a significant effect on the demand for teachers and the quality of services delivered to students with disabilities, vary dramatically across the U.S. Although several initiatives aim at reducing general education class sizes, some data (which must be interpreted with caution) suggest that special education caseloads may have increased to nearly the 18:1 ratios of primary general education classrooms in many states. In Ohio, teacher caseload ratios are determined in Administrative Rule under the Ohio Administrative Code and have the same authority as law.

These caseload ratios also are reflected in the special education weights embedded in the state's special education funding formula.

These ratios are as follows:

- 24:1 Cognitive Disabilities, Specific Learning Disabilities and Cross-Categorical (High School)
- 16:1 Cognitive Disabilities, Specific Learning Disabilities and Cross-Categorical (Elementary and Middle School)
- 12:1 Emotional Disturbances
- 10:1 Hearing Impairments, Visual Impairments, Orthopedic Impairments and/or Other Health Impairments
- 8:1 Multiple Disabilities
- 6:1 Autism, Deaf-Blindness, Traumatic Brain Injury

Teacher Attrition. The departure of special educators from the teaching profession (exit attrition) is a major contributing factor to teacher demand. Because of a revolving door where teachers leave for reasons other than retirement, the number of teachers leaving annually exceeds the number of new teachers recruited. Special education teachers are more likely than their regular education peers to either leave the profession or to migrate to another position. In several studies, attrition rates in general education were about one half the attrition rate in special education. The chart below illustrates the general teacher employment retention challenge in the state of Ohio based on the most recently available data (2005):

Percentage of Teachers Employed in a Base Year Still Employed After One to Five Years

Base Year	1998	1999	2000	2001	2002	2003	2004
After 1 year	93%	93%	92%	93%	93%	88%	91%
After 2 years	88%	87%	88%	88%	84%	83%	
After 3 years	82%	82%	83%	81%	79%		
After 4 years	78%	78%	77%	76%			
After 5 years	74%	73%	72%				

What Are the State Trends in the Supply of Special Education Teachers?

Almost all 30,000 special education teaching positions in Ohio public schools are filled by the beginning of each school year. Yet uncertified teachers fill too many positions, which is a reality that is tied to workforce shortages and teacher preparation issues. In 2005, 17 percent of these vacancies were in special education.

How are Regional Education Support Services Provided?

Ohio's state funded regional education support system includes State Support Teams (SSTs) that use a connected set of tools to improve instructional practice and student performance on a continuing basis for all school districts. These SSTs were established by the Ohio Department of Education in response to Am. Sub. H.B. 115, which created the Educational Regional Service System. Each SST is housed within one of 16 Educational Service Centers (ESCs). SSTs replaced the former Special Education Regional Resource Centers (SERRCs).

SSTs provide services and assistance to school districts, educational service centers, community schools, early childhood centers, County Boards of Developmental Disabilities and families in several areas, including:

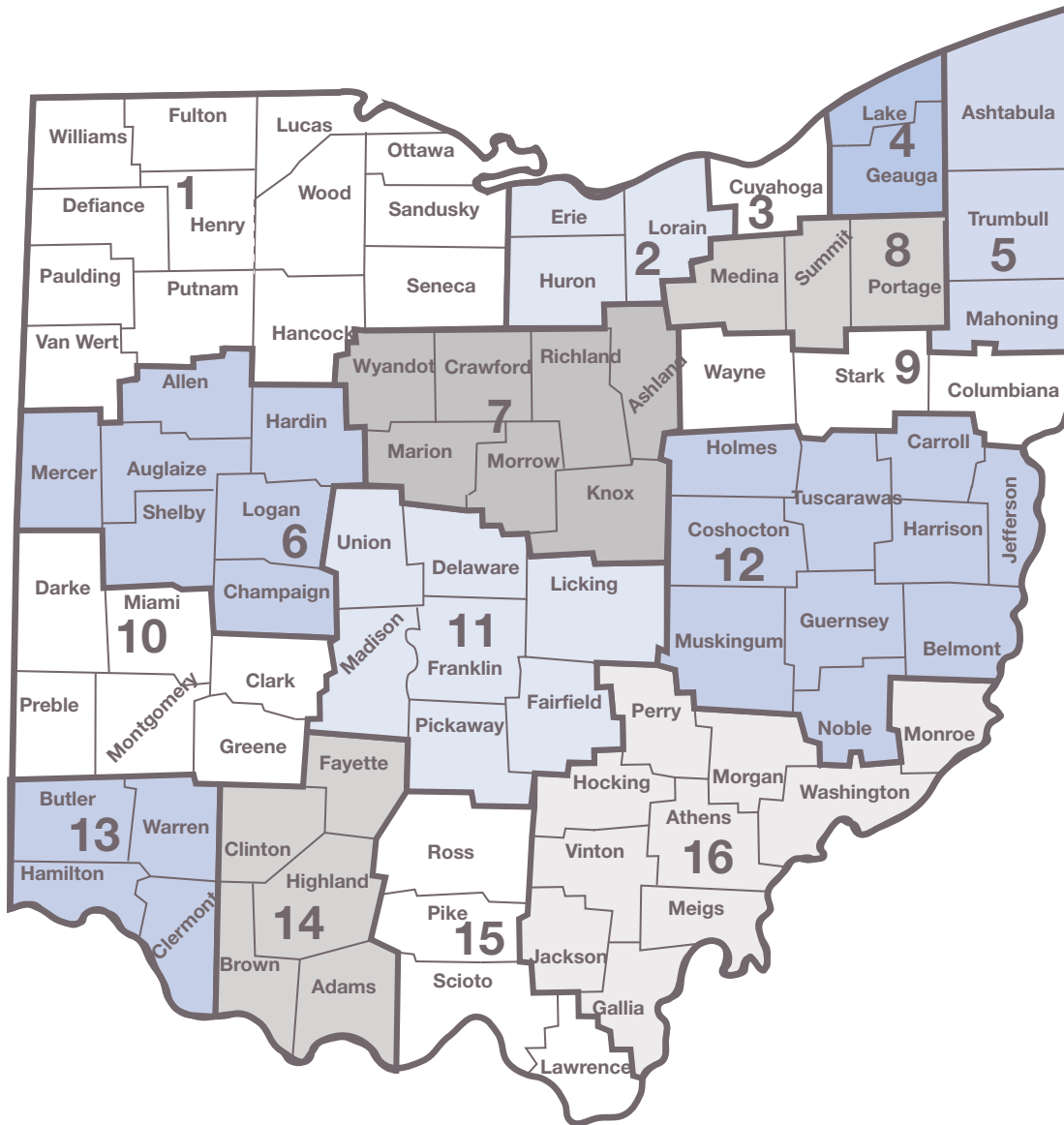
- School Improvement
- Special Education Compliance
- Early Learning and School Readiness

The mission of the State Support Team is to:

- Help school districts build their capacity to plan and implement school improvement processes that close achievement gaps in reading, math and sub-group performance.
- Improve the achievement of children and youth with disabilities and children at risk of being identified as disabled by assisting educators and families in the development and delivery of specially designed instruction aligned with Ohio's academic content standards.
- Assist districts and agencies in complying with federal and state laws and regulations to ensure the full participation of children and youth with disabilities in the school community.

SSTs work through the Ohio Department of Education's Offices for Exceptional Children; Early Learning and School Readiness; and Field Relations by providing technical assistance and professional development.

State Support Teams Regional Map



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